

U.S. DISTRICT COURT  
DISTRICT OF VERMONT  
FILED

2022 FEB -2 PM 2:52

State of Vermont  
US District Court -

US District Court  
Burlington Unit

Federal Civil Division

Docket No.

2:22-cv-8

CLERK

BY EM  
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George E Woods Jr  
and Vermont Incarcerated  
Inmates

v.

State of Vermont, Dept of Health  
Director Mark Levine

State of Vermont Dept of Corrections  
James Baker, Nicholas Demt  
Thomas J. Donovan

- Class Action Civil Action -

Now Comes George Woods Jr Pro-se Pursuant  
to 42 USC § 1983; V.R.C.P. 2.3, 12 V.S.A. § 5601, + 5602

Hereby moves this honorable District Court to Grant  
Relief upon Petition, as stated here in,  
within facts of the case.

Facts Background

1. Plaintiff Woods is and has been the  
Plaintiff, at 3 Separate Correctional institutions  
at the times of incident; MVRCF, SSCF  
and NSCF; Location Rutland, Springfield

and Newport. As He is Now under the Care and Custody of Scott Martin and Nicholas DemL; Now Housed at NSCF 2559 Glenn Rd. Newport, VT.

2. The Class action Plaintiffs are all Inmates that were incarcerated at MVRCF, NSCF, SSCF, NWSCF, NSCC out of State placement and The Females Facility; Between March of 2020 and the existing Dates into 2022, As were receiving Covid treatment - See Attached Exhibit 1 (41) Signatures of Inmates, who faced the ongoing punishment detailed within:

3. The Defendants Are and Have Been: VT. Dept of Health, Director Mark Levine  
VT Dept. of Corrections Commissioner James Baker, As he had been the Commissioner or acting from March 2020 to Nov. 1, 2021  
Nicholas DemL, is now the Commissioner in Charge Since Nov. 1, 2021



## History -

4. on 4/22/2020 Plaintiff Woods was incarcerated, Placed in NSCF in the Seg Unit, for Quarinteen for 14 days.

This Consist of, 1) No use of the phones 2) no use of legal material to defend any legal matters 3) No Recreation period, besides a 10 minute shower 4) no Communication w/ the People in Society 5) Hardly No Hot food 6) no Radio 7) No News or T.V. access 8) no visits -

"At this time D.O.C had access to be able to Swab and Test Individuals that were incarcerated, As they choose not to use that method, instead, kept Individuals isolated in Segregation."

nurses did not change their Gloves and Co's went in Cell to Cell and conducted Bar and wireless checks - Therefore, There was nothing done Special to prevent the Spread of the virus

"Therefore conducting this treatment for nothing." All inmates coming into the facility were treated as this -

5. Since 4/22/2021 to my knowledge and experience, The Defendants; while in the covid-19 mandated State Actions have caused the plaintiffs, A-typical Significant Hardships and have Stripped the plaintiffs from many rights under our US. Constitution; USCS Const Amend one, five, six, eight and fourteen - How they have violated Constitutional Rights -

- A) USCS Const. Amend one violation,  
 American citizens All have a Right to Freedom of Speech, Movement and religious Beliefs - This has been restricted, even when many inmates have been vaccinated and The State Allows, non-vaccinated Officers and personnel into the facility and have full access, to every Building, unit and cell while the same officials Restrict us from visits with our friends and family: See *Overton v. Bazetta*, 539 U.S. 126, 137 (2003) It had been found Visitation falls under a valid penological Interest, and passed the Turner test, As the 1<sup>st</sup>, 8<sup>th</sup> + 14<sup>th</sup> US. Amendment is violated, by not allowing visits / Family



Contact, Although, The VT. D.O.C Justifies these acts to restrict visitation; because of Safety reasons; Due to Covid; Giving them the right of restriction Bellony v. Bradley 729 F.2d. 416, 420 (6<sup>th</sup> Cir 1984) See also Lynott v. Henderson 610 F.2d 340 (11<sup>th</sup> Cir. 1980) King v. Caruso 542 F.supp. 2d 703, 711 (E.D. Mich. 2008)

Although, These visits have been restricted based on a Covid-19 Band Hallal v. Hopkins 947 F.supp 978 (S.D. Miss 1995)

The Question, Can this Ban Be justified, Considering The State of Vermont, "Allowing" The VT. Dept of Corrections officials, Come in the facility, unvaccinated and the ones Spreading the virus and causing the Mass lockdowns - Ryerse v. Caruso No. 1:08-cv-516 2009 U.S. Dist. LEXIS 82839 (W.D. Mich July 20, 2009)

(B) VT. D.O.C Has Stopped Religious Services - See; O'Lone v. Estate of Shabazz 482 U.S 342 (1987) No one can be deprived of this Right to have Religious Services, As The Spiritual Connection with others, is healthy healing and re-habilitative.

C) VT. D.O.C officials (Defendants) Restricted outside Recreation and Reasonable amount of time; out of our cells -

Prisons must provide prisoners with exercise out of the cells See Keenan v. Hall 83 F.3d 1083, 1089 (9th Cir. 1996) Delany v. DeTella 256 F.3d 679 (7th Cir. 2001) Prisoners can not be deprived of outside exercise for long periods of time. Hearn v. Terhune 413 F.3d 1036 (9th Cir. 2005)

(D) VT. D.O.C Officials (Defendants) Restricted use of the telephone; and video visits Even, After a Court order to Allow and mandate the visits -

See: McMaster v. Pung 984 F.2d 948 953 (8th Cir. 1993)

E) VT. D.O.C officials (Defendants) Has Caused Prisoners (Plaintiffs) Deprivation of Quality and Quantity of food, As - the Prison is not maintaining the healthy standards approved under the FDA; and we're not given hot food: See: Robles v. Coughlin 725 F.2d 12 (2d Cir. 1983)



(F) Vt. D.O.C. officials (Defendants) have denied access to the law library, prevented access to the courts, by not allowing Emergency filings, altered and destroy evidence and violate the Due Process of the Prisoner - Case workers in fact accept legal motions from Attorneys; And distribute them, in a time, they see fit. See *In Re: Bounds* 430 U.S. 817 See: *Costillo v. Cook County Mail Room* 990 F.2d 304 (7th Cir. 1993) *Bierrega v. Reno* 59 F.3d 1445 (3rd Cir. 1995)

D.O.C. Also, has prevented access to copies at times and when motions have been sent in to have copies - The motion has to be approved through the Vt. Dept. of Corrections Attorney - As D.O.C. will prolong the copies to be done, on numerous occasions in retaliation: *John v. N.Y.C. Dept of Corrections* 183 F. Supp. 2d 619 (S.D.N.Y. 2002)

*Thaddeus-X v. Blatter* 175 F.3d 378 (6th Cir 1999); *Calhoun v. Hargone* 312 F.3d 730 (5th Cir. 2002); *Witte v. Wisconsin Dept. of Corrections* 434 F.3d 1031 (7th Cir 2006) The Pattern of this Abuse has

Became Continuous, let alone; the System, the facility has had to allow access to the Courts and legal material for filings has violated Rights of the Plaintiffs, As this has in fact prolonged incarceration stays for Plaintiffs and Due Process Rights violated, within the Disciplinary processes creating punishment when punishment isn't necessary - Lewis v Casey; Salahuddin v Goord 467 F.3d 263 (2d Cir 2006) Even inmates in Segregation; have to have a meaningful way of accessing the law library - this has been denied: Trujillo v. Williams 465 F.3d 1210 (10<sup>th</sup> Cir 2006) Marange v. Fontenot 879 F.Supp 679 (E.D.Tex. 1995) Wolff v. McDonnell 418 U.S. 539 -

Plaintiffs Right to Decent Conditions in Prison  
Incarcerated individual Plaintiffs; All have right of Basic needs: Shelter, Food, Exercise clothing, Sanitation and Hygiene - Rhodes v. Chapman 452 U.S. 337, 346 (1981)  
The Above restriction, have been extreme and very harsh on the Plaintiffs, Going on two years we have been exposed to objective and subjective harm



Farmer v. Brennan 511 U.S. 825 (1994)  
Wilson v. Seiter 501 U.S. 294 (1991) We  
have been deprived of our basic human  
needs and have been exposed by serious  
harm, As D.O.C officials are the perpatr-  
ators of Bringing the Virus into the facility,  
causing, great illness and almost near  
death experiences; not allowing offenders  
to be released that have already served  
the program requirements and minimum  
release -

These Defendants are all responsible, as  
they have all been notified, Through  
Numerous exhausted Remedies, Request  
Forms, Letters, Grievances System and  
Even Court orders -

These Plaintiff's State; The D.O.C has  
acted in a deliberate indifference, As  
they have all been notified, Even, Been  
notified, of how to possibly reduce the  
Germ exposure, Through different ways  
they conduct their day to day activity -  
(6) The actions listed here in have  
in fact caused H-typical Significant  
Hardships *Frasier v. Coughlin* 81 F.3d  
at 313, 317 (2d Cir 1996); *Brown v. Plant*

131 F.3d at 163 (D.C. Cir 1997) As the restrictions have taken away from the normal day to day living, within Prison life. - It has been pointed out, to have matters addressed, many times, As D.C. officials have acted irresponsibly and have exposed the plaintiffs, to more harm; than they have kept them from. These officials, Such as the Acting Supervisors in Each facility Are liable under Title 28 Authority and Are not protected under the Immunity of the 11<sup>th</sup> Amendment, based on the facts - they have not done preventative actions, besides create more liberty violations and restrictions of the Inmates: Plaintiff Woods has been Personally harmed, Considering when he Contracted Covid 19 from a Correctional Officer at WCF - He had been Induced of having 2 Seizures and split his Eye Brow, during the Seizure, and, it had hospitalized A Incarcerated Individual By the name of "Allen Marsh Inmate # 13788"

- Demand of Preservation -



- A) "All" Surveillance Videos in Every Facility in the last 9 months -
- B) All medical Records, of every Inmate that Contracted Covid-19, while Incarcerated...
- C) All Inmates Names, Location Status in and out of State, under care of Vt. D.O.C from 3/2020 - ongoing into 2022 -
- D) Town mandates, State mandates and Vt. Health instructions to the Vt. D.O.C
- E) All Covid-19 Conversations, Documentations E-mail correspondence, between the facilities and Commissioner / Executives and Vt. Health, And or Government officials -
- F) All records of the CO's whom were Positive with Covid-19 from 3/2020 into 2022 -
- G) All Records of Covid-19 lock downs for the 24 hour a day processes, exceptions to Showers -
- H) All Guidelines, involving Covid-19 Treatment from all Inmates, whom filed, All request forms and Documents
- I) All Court Cases - Where Companies have been Sued By Thomas Donohue and or Fined -

### Damages -

Plaintiffs Are Requesting Nominal Damages of \$1.00 from all Defendants, jointly and Severely, Showing Their Rights were Violated -

Plaintiffs Are Requesting Punitive Damages from Defendants in the Amount of

~~Three million Dollars~~ Jointly and Severely by the Defendants, to be Divided equally to the Plaintiffs, due to their Suffering and Blatant Violation of their rights, Increation of Violating their rights of USCS, Const. 1, 4, 5, 6, 8, 14

Plaintiffs Are Requesting Compensatory Damages of Two million Dollars Jointly and Severely by the Defendants to be Divided equally to the Plaintiffs due to their loss of Liberty and Additional Funds being Spent for All basic needs Additional Time Spent for not being able to access the Courts properly, not having family ties met etc -



Therefore Plaintiffs pray for following Relief.

1. This Honorable Court to Accept Jurisdiction.

2. Order for a prompt Hearing.

3. order injunction to prevent D.O.C to continue these violations here in State.

4. order and Demand Speedy Trial.

5. Bring all other legal violations to Court, under law.

6. Order all other Relief under law

7. order, Nominal Damages, Compensatory Damages and Punitive Damages, to be payed by the Defendants

8. All legal expenses to be paid by the Defendants upon final order - if in favor of the Plaintiffs -

9. Leave to Amend.

Waiver of Court Fees -

Plaintiff words Contest that he is in fact indigent and has a total of Twenty two Dollars, in his inmate account and has been incarcerated

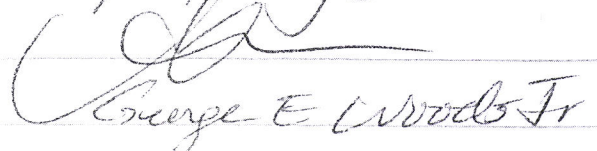
Since 4/22/2020, with no Assets -  
and has a facility job, that he  
makes \$62 Every Two weeks -

Plamitt Woods Smeas under penalty  
of perjury that all in here, is  
factual to the best of his understanding  
and knowledge

Executed at NSCF 2559 Glenn Rd,  
Newport Vt. 05855 on this 15 day  
of December 2021

I Plamitt Woods Certify I have Sent  
Service of this Class. action Tort and  
Signature to: Thomas J. Donovan  
Office of Attorney General 109 State  
Street, Montpelier, VT 05609 By U.S.  
Mail on 12/ 1/21


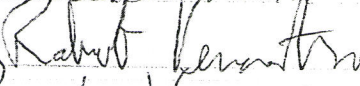




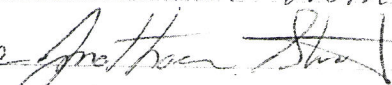
Respectfully Submitted

  
George E Woods Jr

NSCF 2559 Glenn Rd,  
Newport, VT 05855



## Covid-19 Lockdown Punishment

(Inmate) 1. Signature 	D.O.B 10-03-88
Print Robert Joseph Truszkowski	ID # 106195
Recent Time Incarcerated From -	to -
2. Signature 	D.O.B 3/18/78
Print Robert Verenstro	ID # 21481
Recent Time Incarcerated From	to -
3. Signature 	D.O.B 2/11/86
Print Daniel Ioana	ID # 89393
Recent Time Incarcerated From	to -
4. Signature 	D.O.B 12/14/84
Print Joe Brooker	ID # 64668
Recent Time Incarcerated From	to - D
5. Signature 	D.O.B 1/16/77
Print Doug Bely	ID # 64313
Recent Time Incarcerated From	to
6. Signature 	D.O.B 10/23/86
Print Jacob Tourangeau	ID # 76113
Recent Time Incarcerated From <sup>7/2017-11/2021</sup> <sub>5/2021-</sub>	to
7. Signature 	D.O.B 4-12-97
Print Jonathan Stuart	ID # 129001
Recent Time Incarcerated From 6-28-21	to 1-8-22
8. Signature	D.O.B
Print	ID #
Recent Time Incarcerated From	to
9. Signature	D.O.B
Print	ID #
Recent Time Incarcerated From	to

## Covid lock down Punishment

Inmate 1. Signature	DOB
Print	ID #
Recent Time Incarcerated From	To
2. Signature	DOB
Print	ID #
Recent Time Incarcerated From	To
3. Signature	DOB
Print	ID #
Recent Time Incarcerated From	To
4. Signature	DOB
Print	ID #
Recent Time Incarcerated From	To
5. Signature	DOB
Print	ID #
Recent Time Incarcerated From	To
6. Signature	DOB
Print	ID #
Recent Time Incarcerated From	To
7. Signature	DOB
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8. Signature	DOB
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9. Signature	DOB
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Recent Time Incarcerated From	To